

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

15BJ

#4

## UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

Civil Division

NO FEE/  
NO IFP

E Ben Brown

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-  
Allegheny County  
Kane Regional Center Glenhazel  
Lisa V Caulfield - Rachel E. Newman

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

2:21-cv-329

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

RECEIVED

MAR 10 2021

CLERK, U.S. DISTRICT COURT  
FOR THE WESTERN DISTRICT  
OF PENNSYLVANIA

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

EBen Brown  
 950 Second Ave  
 Pittsburgh PA 15219  
 City State Zip Code  
 Allegheny  
 (412) - 623-2144

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

LISA V. Caulfield Esquire  
 Public Defender  
 512 Forbes Avenue 400 County Office Building  
 Pittsburgh PA 15219  
 City State Zip Code  
 Allegheny  
 (412) - 350-3545  
☒ Individual capacity ☒ Official capacity

**Defendant No. 2**

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Rachael Elizabeth Newman  
 District Attorney Office  
 486 Grant St  
 Pittsburgh PA 15219  
 City State Zip Code  
 Allegheny  
☒ Individual capacity ☒ Official capacity

## Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## Defendant No. 3

Name

Kane Regional Center Glenhazel

Job or Title (if known)

Address

955 Awermont Dr

Pittsburgh

PA

15207

City

State

Zip Code

County

Allegheny

Telephone Number

412-422-6080

E-Mail Address (if known)

☒ Individual capacity☒ Official capacity

## Defendant No. 4

Name

Allegheny County Jail

Job or Title (if known)

Medical staff

Address

950 Second Ave

Pittsburgh

PA

15219

City

State

Zip Code

County

Allegheny

Telephone Number

E-Mail Address (if known)

☒ Individual capacity☒ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Due Process clause; Gross Negligence; false imprisonment  
Malicious Ineffective Counsel; Malicious Prosecution  
Fourteenth Amendment; Eighth Amendment; Denial of the right to a fair trial

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

(1) Lisa V Caulfield - Due Process clause - malicious ineffective counsel  
 (2) Rachel Newman - false imprisonment - Malicious Prosecution - Denial of the right to a Fair trial

(3) ~~Marine Regional Center Glenhazel~~ - Gross Negligence

(4) Allegheny County Jail Medical staff - Gross Negligence

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Allegheny County Jail - Allegheny County Courthouse

- B. What date and approximate time did the events giving rise to your claim(s) occur?

(1) 01/25/2019 - Pre (2) 9/30/2019 Jury trial  
 (3) 09/28/2020 - Jury trial (4) 3/10/20 Medical staff  
 (5) 11/4/19 Medical staff (6) 10/21/2020 - Medical staff  
 (7) 01/19/21 Attorney Visit (8) 07/20 Attorney Visit

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Attached pages

Defendant (1<sup>st</sup>) Lisa V. Caulfield

Event (1)

Lisa V. Caulfield was appointed to be Counsel on My case in Feb. 2020 before My jury selection. I was not present At jury selection at All I was held in a holding cell all morning while Lisa V. Caulfield and Rachel E. Newm. Pick Jury themselves.

Event (2)

Lisa V. Caulfield was instructed by Me to give me the full discovery in letter to her Boss (Matthew Dugan Esq.) In march, which included crimescene photo which where missing, cell phone text message also missing and Videos of Interrogation and footage from across the street from the alleged crime also missing.

Event (3) (I have Permit to Carry and a legal firearm)

Lisa Caulfield was instructed by Me to write a proposal with jury instruction of the Castle Doctrine law she refuses to do so.

Event (4)

LISA Caulfield and I was in Attorney Visit July 2020 And I asked her to give me the list of items found at Crime scene by mckeessport police she never did. Also I instructed her to subpoena officer James Taylor budget number (253), to Jury trial Sept 28 2020 along with other mckeessport police officers involved; My trial was cancelled by <sup>Judge</sup> Anthony Mariani and rescheduled to Jan 26th 2021 then canceled again,

Event (5) (I have tampered statement could not make copies)

LISA Caulfield was Ask about incident Report of Mckeessport police did the County police change the statement of officer James Taylor budget number (253) Lisa Caulfield agreed by nodding her head up and down to confirm it was indeed true of the tampering. She has never address this illegal activity by a subpoena of James Taylor to put on record the true statement this was (January 14th 2021)

Event(6)

ISA V, Caulfield was told by I to <sup>do a</sup> Criminal background check Aug 25 status hearing and give me a copy of it for the case because I am claiming self defense and I have right <sup>to</sup> use criminal history of victim PA R Evid 405 (B)(2). She has not Done so.

(update) Iisa Caulfield Feb 5th has dropped off laptop when told her I was filing a lawsuit, we are 28 days of Quarantine for Covid-19 not sure when I can use it, (I have been moved to 7D for Covid-19)

Defendant (2)

Event 1#

Rachel E Newman at Prelim. January 25-2019 with My Attorney Micheal Denzo suggested that I waive the hearing then after I signed the waiver was given a written letter there is no evidence to evaluate in this case and wanted me to plead-guilt to Manslaughter which is a violation of My Constitutional right, plead deal right after a waiver. Also My testimony is the only evidence in self-defense.



Rachel E. Newman filed a motion for status hearing January 24<sup>th</sup> 2020, which one of the motions claim to bring new criminal charges or wrong doing to the Feb 2020 jury trial, Judge tranquillì stated that he could not grant the new motions, Also requested that Officer James Taylor to be subpoenaed to Feb. 2020 jury trial, Judge tranquillì told me to go back to jail and he didn't want Officer James Taylor to appear at Trial.

Event (3<sup>rd</sup>) Feb 1<sup>st</sup> 2021 hearing

Rachel E. Newman Appeared at suppression hearing with Det. Michael Hoffman with interrogation video that has been altered and over dub voices to cover up the real interrogation video. Also I told Lisa Caulfield I didn't want this hearing I want to go straight into trial.



Defendant 3<sup>rd</sup> and 4<sup>th</sup> (Event 1<sup>st</sup>)

Allegheny county jail medical staff and Kane  
Regional Center Glenhazel Refused to refill  
Breo elipta for 2 weeks causing chest pain  
Difficulty breathing 3/9/20 & 3/10/20 and was  
told me medication was on back order. Also on  
3/10/20 a nurse refused to give me a breathing  
treatment for chest pain via Nebulizer!

Defendant 3<sup>rd</sup> and 4<sup>th</sup> (Event 2<sup>nd</sup>)

I the plaintiff's right to have medical treatment  
for hip osteo-Arthritis (left & Right) leaving I the  
Plaintiff to suffer in pain from Oct 21-2020  
-till Feb 5th 2021. And was told to buy on Comminsy  
But there is no tylenol Arthritis strength Meds  
ON Comminsy.

**IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

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**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Large Sums of money  
Pain Medication Renewed  
Right to a fair trial  
Right to a speedy trial (Rule 600)  
Asthma Meds Automatically Renewed  
Cpap Supplies for breathing Machine

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**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: March 4th 2021

Signature of Plaintiff

Printed Name of Plaintiff

Eben Brown  
Eben Brown

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address